



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,759	12/07/2001	Michael P. Miller	86769-0006	7327

24633 7590 03/12/2003

HOGAN & HARTSON LLP
IP GROUP, COLUMBIA SQUARE
555 THIRTEENTH STREET, N.W.
WASHINGTON, DC 20004

EXAMINER

HECK, MICHAEL C

ART UNIT	PAPER NUMBER
----------	--------------

3623

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,759

Applicant(s)

MILLER ET AL.

Examiner

Michael Heck

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. The following is a First Office Action in response to the application filed 07 December 2001. Claims 1-50 are pending in this application and have been examined on the merits as discussed below.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "561" has been used to designate both "Supplier Agreement Management" and "Plan Subcontractor Management" of Figure 5G. "Supplier Agreement Management" of Figure 5A is reference character "560". Also, reference characters "561" and "560" have both been used to designate "Plan Subcontractor Management" of Figure 5G and 5H. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because it is too long. In addition, the abstract of the disclosure is objected to because on line 6 it states, "the managing an

Art Unit: 3623

organization developing the product". It should be --the managing of an organization developing the product--. Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because of the following informalities:

a. Page 7, line 11 states "management steps 100, 300, 400, and 600". It should be --management steps 100, 400, 500, and 600--.

b. Page 32, line 15 states "In step 33". It should be --In step 330--.

5. The above citation is a mere guide. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. Appropriate correction is required.

Claim Objections

6. Claims 24, 38, and 50 are objected to because of the following informalities:

c. Claim 24 states "comprises execution a SQA review". It should be --comprises executing a SQA review--.

d. Claim 38 is a duplicate of claim 37.

Art Unit: 3623

e. Claim 50 states "managing the managing a project for developing said product". It should say --managing a project for developing said product--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-44 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1-44 recite actions of an organization without any details as to how the actions are to be accomplished. For example, independent claim 1 recites managing an organization by managing personnel and implementing a product improvement process, managing a project for developing a product, and managing delivery of the product. Dependent claims 2-10 recite the product improvement process of planning, organizing resources, establishing a software

Art Unit: 3623

engineering process group (SEPG), controlling a SEPG project, implementing and supporting the SEPG project, conducting a Software Quality Assurance (SQA) review, conducting an assessment, conducting an intermittent or periodic survey, and conducting process improvement. The specification and the claims do not disclose what is involved in the process of planning, organizing resources, establishing a software engineering process group (SEPG), controlling a SEPG project, implementing and supporting the SEPG project, conducting a Software Quality Assurance (SQA) review, conducting an assessment, conducting an intermittent or periodic survey, and conducting process improvement.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3, 8, 10-17, 22-23, and 36-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Major et al. (Major et al., Meeting the Software Challenge: Strategy for Competitive

Art Unit: 3623

Success, Research Technology Management, Vol. 41, issue 1, Jan/Feb 1998, Pages 48-56 [PROQUEST]). Major et al. discloses how Motorola integrated its software process, technology and people capabilities to achieve the aggressive goals it deems necessary for business success comprising the steps of:

- [Claim 1] managing an organization developing said product, whereby said organizational management comprises managing personnel of said organization and implementing a product improvement process (Page 48, Col. 2, Para 1 through to page 49, Col. 1, Para 2; Major et al. teaches the CEO redefined a management meeting to focus on a quality failure of a product. The result was a new quality movement where the concept of "six sigma" was born. The CEO, being responsible for the organization that produced and sold product, managed the meeting of personnel to develop and implement a product improvement process.);
- managing a project for developing said product (Page 51, Col.2, Para 2-3, Major et al. teaches that the Senior Executive Program (SEP) developed the "Software Solution" that required Motorola to become excellent at software development execution, innovation, and software business. Goals and metrics were established to measure progress in meeting the vision of the "Software Solution" which included providing the best, most innovative solutions to our customer's needs and to be delivered virtually defect free. The SEP managed the development of the "Software Solution" that set the criteria for the development of the software product.);
- and managing the delivery of said product, whereby actions undertaken during said organizational management affects implementation of said project and delivery managements; and whereby said actions undertaken during said project and delivery managements affect implementation of said organizational management (Page 49, Col. 1, Para 3 through to Col. 2 Para 3, Major et al. teaches the Motorola corporate culture included Total Customer Satisfaction and Continuous Improvement where customer were inside and outside the company and the "six sigma" initiative was

Art Unit: 3623

based on reaching a level of quality in all products. Continuous improvement allowed organization to evolve through a series of changes.)

- [Claim 2] planning the product improvement process (Page 48, Overview, Major et al. teaches the strategic use of metrics to understand the impact of the tools and technologies to guide future improvement strategies. Strategic planning established the strategies for future improvement.).
- [Claim 3] organizing resources needed for the product improvement process (Page 48, Overview, Major et al. teaches Motorola focused on technology assessment, technology roadmap and the proliferation of the demonstrably best alternatives in tools and procedures. The technical assessment required resources.).
- [Claim 8] conducting an assessment (Page 48, Overview, Major et al. teaches Motorola focused on technology assessment.).
- [Claim 10] conducting process improvement (Page 49, Col. 2, Para 1, Major et al. teaches the "Continuous Improvement" effort was related to the goal of "rate of improvement" whereby organizations could evolve through a series of changes for the better.).
- [Claim 11] designing a performance measurement infrastructure (Page 56, Col. 1, Para 2-3. Major et al. teaches that metrics have played a critical role in Motorola's planning where they help set goals. The metrics were to help understand progress in greater detail and to determine how to make further improvement.).
- [Claim 12] the steps of designing an organizational infrastructure and implementing said organizational infrastructure (Page 49, Col. 1, Para 3 through to Col. 2, Para 3, Major et al. teaches a corporate culture was developed based on the "six Sigma" quality movement and remain part of the culture today).
- [Claim 13] designing training for said personnel and deploying said training (Page 49, col. 2, Para 2 and Page

Art Unit: 3623

50, Col. 1, Para 3, Major et al. teaches training as essential in an environment of continuous improvement. The company requires every person to take 40 hours of training per year. Motorola University was developed and deployed the training.).

- [Claim 14] the step of managing a program for implementing said product maturing method (Page 50, Col. 2 Para 3 through to Page 51, Col. 1. Para 3, Major et al. teaches as part of their improvement program, it was recommended that Motorola embrace as a goal that all organizations would achieve a maturity level of three. The CEO accepted the goal as both a goal and a vision. The Senior Executive Program (SEP) for Software was created and established as an ongoing program.).
- [Claim 15] developing a management plan (Page 51, Col. 1. Para 4 through to Page 52, Col. 2, Para 2, Major et al. teaches the Senior Executive Program for software established the "Software Solutions" initiative as a vision for Motorola's and established goals as part of their management plan.)
- [Claim 16] designing an initial work team environment (Page 55, Col. 1. Para 1, Major et al. teaches the staffing strategies included techniques for improving the effectiveness of the software development teams which included being set up as virtual co-located teams.)
- [Claim 17] implementing management processes (Page 51, Col. 2, Para 4, Major et al. teaches the cross-business-unit team was established to define a set of metrics and goals.)
- [Claim 22] controlling work related to product (Page 53, Col. 1, Para 2-4, Major et al. teaches how organizations within Motorola achieved results by different improvement initiatives. One initiative netted a \$2.6 million savings in one year.).
- [Claim 23] completing the project (Page 53, Col. 1, Para 2 through to Col. 2 Para 2, Major et al. teaches how major initiatives resulted in improvement in quality, productivity, cycle time, customer satisfaction, and financially over a period of one year.)

Art Unit: 3623

- [Claim 36] identifying and analyzing requirements for said delivery management Page 48, Col. 2, Para 1-2, Major et al. teaches that Motorola responded to software trends by applying lessons learned from the quality movement. The approaches taken were designed to move the company forward in response to the increasing role software played in delivering the functionality needed.).
- [Claim 37 and 38] designing a technology infrastructure (Page 55, col. 1, Para 3, Major et al. teaches that technology will focus on tools and several key technologies: Modeling and simulation, architecture, and software reuse.).
- [Claim 39] designing an application for said product (Page 54, col. 2, Para 5 through to Page 55, Col. 1, Para 1, Major et al. teaches product architectures are to be designed to support cycle time reduction.)
- [Claim 40] building and testing said technology infrastructure (Page 54, Col. 2, Para 3 and Page 55, col. 1, Para 3, Major et al. teaches that technology will focus on tools and several key technologies: Modeling and simulation, architecture, and software reuse. Technology is part of the strategy of the future that is designed to provide an additional 2X multiplicative improvement needed to reach an overall 10X cycle time improvement. The technology would be tested to meet the improvement requirement.).
- [Claim 41] building and testing said application (Page 55, Col. 2, Para 3, Major et al. teaches as part of software reuse that additional software technologies will play an important part in supporting the key technology areas. For example, automatic code generation is a technology that would focus on reducing defects in software. Software inspection is effective, but code generation would avoid them.).
- [Claim 42] the steps of planning a product test and executed said product test (Page 51, Col. 2, Para 2, Major et al. teaches the "Software Solution" initiative as Motorola providing the best, most innovative solutions to

Art Unit: 3623

the customer's needs and be delivered virtually defect free. The solution test would be planned and executed.).

- [Claim 43] the steps of planning an acceptance test and executed said acceptance test (Page 51, Col. 2, Para 2, Major et al. teaches the "Software Solution" initiative as Motorola providing the best, most innovative solutions to the customer's needs and be delivered virtually defect free. The customer would have to accept the product.).
- [Claim 44] deployment of said product (Page 56, Col. 2, Para 4, Major et al. teaches the "software Solution" remains as a major initiative within Motorola to continue providing systems that satisfy the customer.)
- [Claim 45] the maturity of said product is judged using the Capability Maturity Modeling (CMM) or the Integrated Capability Maturity Modeling (CMMI) (Page 50, Col. 2, Para 4 through to Page 51, col. 1, Para 2 and Page 52, Col. 2 Para 2-3, Major et al. teaches that Motorola used the CMM and assessment instrument in their improvement programs. Motorola India Electronics Pvt. Ltd. was rated a maturity level 5 by an assessment team and the worldwide product software development population had been rated a maturity level three.).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7, 9, 20-21, and 24-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Major et al. (Major et al.,

Art Unit: 3623

Meeting the Software Challenge: Strategy for Competitive Success, Research Technology Management, Vol. 41, issue 1, Jan/Feb 1998, Pages 48-56 [PROQUEST]) in view of Paulk et al. (Paulk et al., Capability Maturity Model for Software, Version 1.1, Software Engineering Institute, Carnegie Mellon University, Pittsburgh Pennsylvania, Technical Report, February 1993, copyright 1996). Major et al. discloses how Motorola integrated its software process, technology and people capabilities to achieve the aggressive goals it deems necessary for business success. Major et al. fails to teach establishing a software engineering process group, controlling a SEPG project, implementing and supporting a SEPG project, conducting a software quality assurance (SQA) review, conducting an intermittent or periodic survey, organizing project resources, execution of a SQA review, management of a supplier agreement, the steps of managing a subcontractor, planning subcontractor management, organizing resources related to subcontractor management, controlling subcontractor management, completing subcontractor management, the steps of managing a product acquisition (PA), planning the PA management, organizing resources related to the PA management, controlling the PA management, and completing the PA management.

Art Unit: 3623

12. Paulk et al. discloses the Capability Maturity Model comprising:

- [Claim 4] establishing a software engineering process group (SEPG) (Page 11-12, Para 2.1.3, Paulk et al. teaches a group that is responsible for the organization's software process is called the software engineering process group).
- [Claim 5] controlling a SEPG project (Page 11-12, Para 2.1.3, Paulk et al. teaches a group that is responsible for the organization's software process is called the software engineering process group. Projects tailor the organization's standard software process to develop their own defined software process. The SEPG would control the projects.).
- [Claim 6] implementing and supporting said SEPG project (Page 11-12, Para 2.1.3, Paulk et al. teaches that because the software process is well defined, management has good insight into technical progress on all projects.)
- [Claim 7] conducting a software quality assurance (SQA) review (Page 34, bullet 1, Paulk et al. teaches the purpose of Software Quality Assurance is to provide management with appropriate visibility into the process being used by the software project and the products being built. SQA would review the project and products to give management the visibility they need.).
- [Claim 9] conducting an intermittent or periodic survey (Page 38, item 5, Paulk et al. teaches that in order to verify implementation, reviews and audits by management and software quality assurance are conducted.)
- [Claim 20] planning the project execution (Page 33, bullets 1-3, Paulk et al. teaches the agreement with the customer as to the requirements is the basis for planning and managing the software project. Software Project Planning is to establish reasonable plans for performing the software engineering.).
- [Claim 21] organizing project resources (Page 33, bullets 1-3, Paulk et al. teaches the agreement with the customer

Art Unit: 3623

as to the requirements is the basis for planning and managing the software project. Software Project Planning is to establish reasonable plans for performing the software engineering.)).

- [Claim 24] execution of a SQA review (Page 34, bullet 1, Paulk et al. teaches the purpose of Software Quality Assurance is to provide management with appropriate visibility into the process being used by the software project and the products being built. SQA would review the project and products to give management the visibility they need.)).
- [Claim 25] management of a supplier agreement (Page 33, Bullet 4, Paulk et al. teaches the purpose of Software Subcontract Management is to select subcontractors and manage them).
- [Claim 26] the steps of managing a subcontractor (Page 33, Bullet 4, Paulk et al. teaches Software Subcontract Management combines the concerns of Requirement Management, Software Project Planning, and Software Project Tracking and Oversight for basic management control, therefore, steps for managing a subcontractor are defined.)
- [Claim 27] planning said subcontractor management (Page 33, Bullet 4, Paulk et al. teaches Software Subcontract Management combines the concerns of Requirement Management, Software Project Planning, and Software Project Tracking and Oversight for basic management control.)
- [Claim 28] organizing resources related to said subcontractor management (Page 33, Bullet 4, Paulk et al. teaches Software Subcontract Management combines the concerns of Requirement Management, Software Project Planning, and Software Project Tracking and Oversight for basic management control, along with the necessary coordination of Software Quality Assurance and Software Configuration Management, and applies this control to the subcontractor as appropriate.)
- [Claim 29] controlling said subcontractor management (Page 33, Bullet 4, Paulk et al. teaches Software Subcontract Management combines the concerns of Requirement Management,

Art Unit: 3623

Software Project Planning, and Software Project Tracking and Oversight for basic management control.)

- [Claim 30] completing said subcontractor management (Page 60, Para 2, Paulk et al. teaches one of the goals of Software Subcontract Management is for the prime contractor to track the software subcontractor's actual results and performance against its commitments. Once the commitment is satisfied, the subcontractor management is completed.).
- [Claim 31] the steps of managing a product acquisition (PA) (Page 33, Bullet 4, Paulk et al. teaches Software Subcontract Management combines the concerns of Requirement Management, Software Project Planning, and Software Project Tracking and Oversight for basic management control, therefore, the steps for managing product acquisition are defined.).
- [Claim 32] planning said PA management (Page 33, Bullet 4, Paulk et al. teaches Software Subcontract Management combines the concerns of Requirement Management, Software Project Planning, and Software Project Tracking and Oversight for basic management control.)
- [Claim 33] organizing resources related to said PA management (Page 33, Bullet 4, Paulk et al. teaches Software Subcontract Management combines the concerns of Requirement Management, Software Project Planning, and Software Project Tracking and Oversight for basic management control, along with the necessary coordination of Software Quality Assurance and Software Configuration Management, and applies this control to the subcontractor as appropriate.)
- [Claim 34] controlling said PA management (Page 33, Bullet 4, Paulk et al. teaches Software Subcontract Management combines the concerns of Requirement Management, Software Project Planning, and Software Project Tracking and Oversight for basic management control.)
- [Claim 35] completing said PA management (Page 60, Para 2, Paulk et al. teaches one of the goals of Software Subcontract Management is for the prime contractor to track the software subcontractor's actual results and performance

Art Unit: 3623

against its commitments. Once the commitment is satisfied, the product acquisition is completed.).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Major et al. with the teachings of Paulk et al. to include establishing a software engineering process group, controlling a SEPG project, implementing and supporting a SEPG project, conducting a software quality assurance (SQA) review, conducting an intermittent or periodic survey, organizing project resources, execution of a SQA review, management of a supplier agreement, the steps of managing a subcontractor, planning subcontractor management, organizing resources related to subcontractor management, controlling subcontractor management, completing subcontractor management, the steps of managing a product acquisition (PA), planning the PA management, organizing resources related to the PA management, controlling the PA management, and completing the PA management.

13. Major et al. discloses Motorola used the Capability Maturity Model and the assessment instrument of Paulk et al. in their improvement programs (Page 50, Col. 2, Para 4 through to Page 51, Col. 1, Para 2). Paulk et al. discloses the Capability Maturity Model provides software organizations the guidance on how to gain control of their processes for developing and

Art Unit: 3623

maintaining software and how to evolve toward a culture of software engineering and management excellence. Sharing the goal of software improvement allowed Motorola to incorporate Paulk et al's Capability Maturity Model as described above resulting in further improvements and goals.

14. Claims **18-19** and **46-50** are rejected under 35 U.S.C. 103(a) as being unpatentable over Major et al. (Major et al., Meeting the Software Challenge: Strategy for Competitive Success, Research Technology Management, Vol. 41, issue 1, Jan/Feb 1998, Pages 48-56 [PROQUEST]) in view of Bowman-Amuah (U.S. Pat. No. 6,256,773). Major et al. discloses how Motorola integrated its software process, technology and people capabilities to achieve the aggressive goals it deems necessary for business success. Major et al. fails to teach the steps of creating a program office and directing the program management office, and conducting a program closeout. In addition Major et al. fails to teach a system to include a program module for producing a more mature product distributed over the network where the network is the Internet, and a program storage device.

15. Bowman-Amuah teaches a system, method, and article of manufacture for affording consistency in a development architecture as components in the architecture change. As to

Art Unit: 3623

Claims **18-19**, Bowman-Amuah teaches the application applies to Program and Project Planning where the task of managing and improving a program includes operating a Program Management Office and conducting program close-outs in addition to creating a delivery plan (Col. 24, line 40 through to Col. 25, line 21). Bowman-Amuah also teaches the application applies to Continuous Process Improvement which includes the Capability Maturity Model assessments and establishing an organization to support the process (Col. 23, line 43 through to Col. 24, line 13). As to Claims **46-50**, the system of Bowman-Amuah includes a personal computer with an I/O adapter for connecting peripheral devices such as disk storage units connected to a network. The network can be the Internet (Col. 3, lines 24-50 and Col. 8, lines 7-14). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Major et al. with the teachings of Bowman-Amuah to include the steps of creating a program office and directing the program management office, conducting a program closeout, incorporating the effort on system to that includes a program module for producing a more mature product distributed over the network where the network is the Internet, and a program storage device. The program office would allow for the continuous oversight over multiple projects to support the delivery of the continuous improvement process.

Art Unit: 3623

Configuration management of the change process would be important to ensure the change was well documented so that if it failed, the system could be returned back to it's original state prior to implementing the change.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Jovanovic et al. (Jovanovic et al, ISO 9001 Standard and Software Quality Improvement, Benchmarking for Quality Management and Technology, Vol. 4, Issue 2, 1997, starting page 148 [DIALOG: file 15]) discloses process improvement programs where the Capability Maturity Model is the basis for improvement. Essential software processes are identified to include strategies, resources to be used, product records, and SQA. In addition, management responsibility, control of customer supplied product, inspection and testing, internal quality audits, training, and acceptance is discussed.
- Macdonald et al. (Macdonald et al., The Quality Process, TI Technical Journal, Vol. 14, No. 2 March-April 1997) discloses Texas Instruments, Inc. Quality Process. The

Art Unit: 3623

CMM and ISO 9000-3 standard are discussed to include implementation.

- Hackos (Hackos, J., From Theory to Practice: Using the Information Process-Maturity Model as a Tool for Strategic Planning, Technical Communications, Washington, Vol. 44, Issue 4, November 1997 pages 369-381 [PROQUEST]) discloses using the Information Process-Maturity Model (IPMM) to assess the information-development organizations. The IPMM has five levels of maturity with key practices identified.

Art Unit: 3623

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular and After Final communications.

The fax phone number for Informal/Draft communication, labeled "PROPOSED" or "DRAFT" is (703) 746-9419.

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, Virginia, 7th floor receptionist.

mch

5 March 2003


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600